

Canterbury City Council

Complaints Policy

Purpose

The purpose of this policy is to ensure a standard and comprehensive approach to managing complaints that seeks to reduce the incidents that cause dissatisfaction by understanding the reason for complaints and using that understanding to reduce or prevent them in the future.

Scope

Other than the exceptions listed below this policy covers all Canterbury City Council services including services that are outsourced or contractor otherwise provided on our behalf. This policy also covers all forms of complaints, whether they are made in person, by phone, by letter, by email, by webform, by social media or by any other means.

Responsibilities.

Directors, Service Directors and Heads of Service are responsible for the performance of their services. This includes performance in relation to dealing with complaints. It is for each Service Director and Head of Service to ensure their officers are familiar with the complaints process and to identify who will deal with stage 1 and stage 2 complaints (note guidance on Process below).

Outsourced Services

We expect organisations providing services on our behalf to manage complaints at stage 1 and stage 2, this should be clear in the contractual arrangements.

Client Officers are reminded that CCC is still responsible for the provision of outsourced services. In respect of outsourced services the Client Officer is expected to maintain general oversight of complaints and to be responsible for any complaints referred to CCC by an Ombudsman or other Regulator in relation to that service. Client Officers may wish to review the complaints dealt with by the service provider to help manage quality of service.

Please note, the Local Government Ombudsman can, by law¹, treat CCC as responsible for the actions of third parties who act on CCC's behalf.

Exceptions

This policy does not cover:

- [Complaints against Councillors](#) - these are dealt with by the Monitoring Officer.
- Complaints which have a statutory mechanism (eg disputing a PCN or a Housing Benefit decision).
- Complaints which by nature are a service request (eg complaints about noise or antisocial behaviour).
- Complaints which form part of legal or process.
- Complaints that are views expressed as a response to research or consultation. They will be represented in the results of that process.

Note: Complaints received via research or consultation that relate to a matter other than the research or consultation itself will be forwarded to the relevant service. This may introduce delay, and the service

¹ Local Government Act 1974 s28(6),(7) and (8)

should mention that in their response. It is acceptable to treat the complaint received on the day the service receives it rather than the day the Council received it.

Definition of a complaint

It is not a customer's satisfaction level, or use of the term "complaint" or "formal complaint" that decides if their interaction is a complaint, instead it is what they want the outcome of their interaction to be.

According to the LGO's guidance, if a customer simply wants a service request met/remedied then it is not a complaint. The key difference is an expectation of a response about the matter, rather than just resolving the matter.

Identifiers common to complaints can be when the customer wants the Council to:

- Formally acknowledge the dissatisfaction (as opposed to just remedy the service issue)
- Formally acknowledge any fault
- Investigate and explain how the situation occurred
- Consider if it could have done anything different to avoid the situation happening
- Consider if there is any learning it can benefit from
- Make additional reparation

For complaints that could be referred to the Housing Ombudsman, and in accordance with 1.2 of the Housing Ombudsman's Complaint Handling Code, a complaint must be defined as:

'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.'

Premature Complaints (referred to CCC by Ombudsman)

Occasionally the Ombudsman will review a complaint from a customer and decide they cannot investigate as the customer has not been through the Council's own procedure. The Ombudsman refers these to the Council with an outcome of "Premature Complaint". If we receive such a case we should proactively open a complaint record and contact the customer, this may be a stage 1 or stage 2 depending if and how far the matter has progressed with us already.

If we consider it would be impossible for the Council to resolve the complaint through its own procedures please advise the Information Governance Team who will respond to the Ombudsman allowing them to consider taking on the case.

Complaints from Councillors and Members of Parliament

Sometimes, customers will ask their Councillor or MP to represent them, or they will make a complaint to the Councillor or MP about our services.

These complaints should be dealt with as though they were normal complaints, but we need to be mindful of any time taken and how that can impact on the Councillor's/MP's own resources. At stage 1 and stage 2 there is a balance between prioritising these complaints to assist the Councillor/MP and inappropriately prioritising this customer over other customers because they have involved a Councillor/MP. Each case should be judged on its own merits.

If the customer has already exhausted the CCC complaints process in respect of the complaint:

- remind the customer of their rights to go to the relevant Ombudsman, and
- try to take this opportunity presented by the Councillor/MP to resolve the complaint,
- use the opportunity to develop relationships with the Councillor/MP

Process

The Council operates a two stage formal complaints process.

Stage 1

Upon receipt of a complaint an acknowledgement must be sent. This must be done within 5 working days.

The acknowledgement must explain the Complaints process. It is important the customer understands the complaints process to set their expectations appropriately, and to prevent them inappropriately contacting the Ombudsman.

Initially, a complaint must be investigated by an officer with an appropriate appreciation of the issue and independence from the issue. We should respond within 10 working days from the acknowledgement. If the complexity of the complaint means that an extension to this timescale is needed then we should inform the complainant of the expected timescale for response. Any extension should be no more than 10 working days without good reason, and the reason(s) should be clearly explained to the individual. The response to the complaint is issued by that officer. This completes stage 1 of the process. The customer's next steps are included in the standard text (see below in Templates).

If the customer is not satisfied with the response at stage 1 they can ask for a further review of their complaint. This is the start of stage 2 of the process. For housing matters we would usually expect that a request for stage 2 is made within 20 working days of receiving the stage 1 response from Canterbury City Council.

Stage 2

Upon receipt of a request for a stage 2 review an acknowledgement must be sent. This must be done within 5 working days. In the acknowledgement we need to set out their understanding of any outstanding issues and the outcomes the individual is seeking. If any aspect of the complaint is unclear, the individual should be asked for clarification.

The complaint must then be reviewed by an officer senior to the first officer. We should respond within 20 working days from the acknowledgement. If the complexity of the complaint means that an extension to this timescale is needed then we should inform the complainant of the expected timescale for response. Any extension should be no more than 20 working days without good reason, and the reason(s) should be clearly explained to the individual.

The LGO's guidance says the officer does not have to be a Head of Service or above but it must be someone with the independence and authority to ask questions, get at the facts and recommend changes in response to complaints (e.g. Team Leader, Manager). The response to the complaint is issued by the Senior Officer. This completes stage 2 of the process. The customer's next steps are included in the standard text (see below in Templates).

If a customer is not satisfied with the response at stage 2 the customer can raise the matter with either the Local Government or Housing Ombudsman as appropriate. It's important that we are able to demonstrate that we've followed their guidance in our own internal processes.

Complaints referred to an Ombudsman are the responsibility of a Service Director/Head Of Service, or in the case of an outsourced service, the Client Officer. These officers may involve other officers to help deal with the matter, but they remain responsible for the matter. Complaints from either Ombudsman are received by the Information Governance Team, and responses are passed back to the Ombudsman by the IGT.

There is a separate internal procedure setting out how we manage Ombudsman complaints.

Exceptions

Depending on the level of officer responding the first review can be deemed to be stage 2, this ensures the customer shall not be required to go through stage 1.

If a complaint is about an officer's behaviour (as opposed to a decision they have made, or their approach to a decision) that complaint must be initially investigated by an officer who is senior to the officer that is the subject of the complaint.

For housing matters, exceptions to complaints will be carefully considered and include the following: -

- The issue giving rise to the complaint occurred over twelve months ago.
- Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Matters that have previously been considered under the complaints policy

Late complaints

We will not investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something the council has done. Late complaints should still be acknowledged.

Social Media

Care should be given to responding when responding on social media. The open nature of social media can mean the Council's response (or lack of) to a post or comment remains as evidence of how we deal with people.

If a person posts personal details (eg name, address, phone number, email, circumstances) in open forum the Council must be mindful of its responsibilities as a data controller and should not respond in detail (which would confirm or expand on those details), instead these conversations should be continued outside open forum by asking the customer to contact us directly.

Please consider raising awareness of any potentially serious matters with the Communications Team. "Serious" can mean an isolated issue, a trend of related issues or a comment about a major project or high profile activity.

Comments posted on social media (i.e. in open forum)

As mentioned above, where appropriate these issues may need to be continued outside open forum (to protect the person's personal data, including information about their circumstances).

Issues which do not require personal data may be dealt with in open forum. In our response the Council may try to explain, educate and take responsibility where necessary.

Comments sent to us via social media (i.e. in closed forum)

Where these are about the service these are sent to the relevant service, the service will consider if the matter is a service request or complaint, the latter will start the complaints process. Where the complaint is about the council in general, the relevant service is the Communications Team.

Discrimination

When a customer claims discrimination at either stage 1 or stage 2 the investigating officer must involve the Council's Equalities Officer (the Head of Corporate Governance) in any investigation.

Timescales

Timescales relating to complaints are measured in working days.

A complaint is deemed to be received the date it is delivered to the organisation if it is received within normal working hours, if it is received outside normal working hours the clock starts on the next working day.

Stage 1 complaint

- Complaints should be acknowledged, and logged at stage 1 of the complaints procedure within five working days of the complaint being received.
- A full response to stage 1 complaints should be provided within 10 working days of the complaint being acknowledged.
- If the complexity of the complaint means that an extension to this timescale is needed then we will inform individuals of the expected timescale for response. Any extension should be no more than 10 working days without good reason, and the reason(s) should be clearly explained to the individual.

Stage 2 complaint

- Acknowledgement must be sent within 5 working days from request for stage 2 review.
- Response to stage 2 complaints should be sent within 20 working days of the acknowledgement being sent.
- If the complexity of the complaint means that an extension to this timescale is needed then we will inform individuals of the expected timescale for response. Any extension should be no more than 20 working days without good reason, and the reason(s) should be clearly explained to the individual.

A working day/normal working hours:

- Is Monday to Friday, generally 9am to 5pm.
- Do not include weekends, or Bank Holidays in the country you are based.
- If a complaint is received outside of normal working hours (5pm to 9am, or over the weekend), the clock starts as though it was received the next available working day.

For housing matters we would usually expect that a request for stage 2 is made within 20 working days of receiving the stage 1 response from Canterbury City Council.

Monitoring and Management

The following information must be recorded:

- The stage of the complaint (stage 1 or stage 2)
- Date of receipt
- Customer claiming discrimination
- Complaint type (standard list, choose the most appropriate)
- Date of response
- Outcome of investigation (upheld, partially upheld, not upheld)
- Remedy / learning

Services must record and be prepared to present to the performance board:

- Number of stage 1 & stage 2 complaints received between selected dates
- Number that claimed discrimination
- Number closed that month and number within time
- Number upheld or partially upheld

Complaints Coordinators group

The purpose of the group is to:

- Consider if the Complaints Policy remains robust and fit for purpose
- To identify opportunities for learning and improvement
- To record changes to policy or process brought about by a complaint
- To refine and improve the council's approach to complaint management

Reporting and transparency

Dealt with by various means above.

For housing matters, the council will publicise this policy through a combination of tenant surveys and tenant newsletters, including information about the Housing Ombudsman and the complaint handling code; www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/

Templates

Template text

Stage 1 acknowledgement intro:

Thank them for contacting us, acknowledge the nature of the complaint and specify it is being dealt with as a stage one complaint and your expected response time.

Stage 1 response footer:

If you're unhappy with the response, please contact [xxxx](#) (the department or individual) who dealt with it to discuss whether it can be resolved at this stage.

If you are still not satisfied with our response, you can ask for the matter to be treated as a 'stage two' complaint. A senior officer ([insert name](#)), who is responsible for the service, will carry out an internal review of how the complaint was dealt with. They can be contacted at [xxxx](#).

Stage 2 acknowledgement intro:

Thank them for contacting us, acknowledge the nature of the complaint and specify it is being dealt with as a stage two complaint and your expected response time.

Stage 2 response footer:

Option A - non housing matters -

If you have been through all stages of our complaints procedure and are still unhappy, you can ask the Local Government and Social Care Ombudsman to review your complaint. The Ombudsman investigates complaints in a fair and independent way - it does not take sides. It is a free service.

The Ombudsman expects you to have given us a chance to deal with your complaint, before you contact them. If you have not heard from us within a reasonable time, it may decide to look into your complaint anyway. This is usually up to 12 weeks but can be longer for social care complaints that follow a statutory process

Contact details for the Local Government and Social Care Ombudsman

Website: www.lgo.org.uk

Telephone: 0300 061 0614

Option B - housing matters

If you have been through all stages of our complaints procedure and are still unhappy, you can ask the Housing Ombudsman to review your complaint. The Ombudsman investigates complaints in a fair and independent way - it does not take sides. It is a free service.

The Ombudsman expects you to have given us a chance to deal with your complaint, before you contact them. If you have not heard from us within a reasonable time, it may decide to look into your complaint anyway.

Contact details for the Housing Ombudsman

Website: www.housing-ombudsman.org.uk

Telephone: 0300 111 3000

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